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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,143

03/03/2006

Jonathan R. Matias

PSG0101PUSA

3137

22045 7590 11/13/2009

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EXAMINER

LEVY, NEIL S

ART UNIT

PAPER NUMBER

1615

MAIL DATE

DELIVERY MODE

11/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10595143	3/3/2006	MATIAS, JONATHAN R.	PSG0101PUSA

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**EXAMINER**

NEIL LEVY

ART UNIT	PAPER
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1615	20091109
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

THE RESPONSE of 9/23/09 WAS NON-RESPONSIVE SEE ATTACHED

11/9/09

/NEIL LEVY/  
Primary Examiner  
Art Unit: 1615

## NON-RESPONSIVE RESPONSE

The reply filed on 9/23/09 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): species election was not made . See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant's election without traverse of GROUP 1 in the reply filed on 9/23/09 is acknowledged. HOWEVER, applicant did not elect the species; they are as follows:

- a) SPECIES of formula of claim 1; the ULTIMATE COMPOUND OF FORMULA (I), as one of claim 4 compounds, for example.
- b) SPECIES of carrier; such as the halloysite clay microtubules of claim 12.
- c) SPECIES of site of application, such as ; integument, seed , soil—
- d) SPECIES of target organism, such as mosquito, fly—
- e) SPECIES of host organism, such as fruit tree, corn, cow, human—
- f) SPECIES of cosmetic; perfume, cologne, deodorant, anti-perspirant, skin cream, soap, shampoo, hair conditioner, hair rinse, bath oil, talc, sunblock or sunscreen or cleanser, detergent, fabric softener or air freshener

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

a) 1-22

The following claim(s) are generic: 1-4,7-22

b) 1-22.

The following claim(s) are generic: 1-11,13-22

c) 1- 19, 21,22

The following claim(s) are generic: 1-7, 9-12,21-22

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d) 1-10, 21,22

The following claim(s) are generic: 1-10,21-22

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e) 1-7,9,10

The following claim(s) are generic:.1-7,9,10

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the compounds , host species or materials, insect pest species, carriers, & application sites are independent of each other, & have no special technical features in common.

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Because the above restriction/election requirement is complex, a telephone call to applicant's agent to request an oral election was not made. See M.P.E.P. Sec. 812.01.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A. WAX can be reached on 571-272-0623. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NEIL LEVY/  
Primary Examiner, Art Unit 1615

11/9/0909